

State of Kansas
Kansas Bureau of Investigation

Notice of Hearing on Proposed Administrative Regulations

May 2, 2013

A public hearing will be conducted on Tuesday, July 16, 2013, at 9:00a.m. in the auditorium at the Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, to consider adoption of proposed rules and regulations of the Kansas Bureau of Investigation, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Prior to the hearing, all interested parties may submit written comments to the Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, Kansas 66612, or by email to linda.durand@kbi.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Linda Durand at 785-296-8211, or the Kansas Relay Center at 1-800-766-3777. Handicapped parking is located on the south end of the KBI building, off of Tyler Street.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is “not anticipated to have any economic impact” are intended to indicate that no economic impact on the Kansas Bureau of Investigation, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be obtained by email at: linda.durand@kbi.state.ks.us.

10-10-2. Obligation to report. This regulation currently requires criminal justice agencies to report criminal history record information (CHRI) within 60 days of the reportable event to which the information relates unless otherwise specified by law.

The proposed amendment will shorten the time period for reporting to 14 days. The shortened time period could potentially have an economic impact in terms of postage paid by law enforcement agencies. Agencies that send a large mailing every 60 days would be sending smaller, more frequent mailings. Whether or not this will cost more, less or the same is impossible to estimate. Beyond this, the amendment is not anticipated to have any economic impact.

10-10-5. Electronic reporting by district courts. This is a new regulation requiring district courts to electronically report all case filings and dispositions for all violations of K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, to the central repository. This regulation would implement K.S.A. 22-4704(f)(1) and (2), as amended by House Bill 2041, which require the KBI director to adopt rules and regulations requiring district courts to electronically report all filings and dispositions for violations of K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, to the central repository. The regulation requires that such filings and dispositions be electronically submitted by a method approved by the director. Although there is an economic impact on the KBI and district courts, such impact has been considered with the addition of K.S.A. 22-4704(f) in 2011. The regulation itself will have no economic impact because it does not impose any additional requirements that are not already set forth in the statute.

10-10-2. ~~Obligation to report~~ Reporting time frame. ~~All~~ Each criminal justice agencies ~~obligated~~ agency required to report criminal history record information to the central repository shall do so within ~~sixty (60)~~ 14 days of the reportable event to which the information relates, unless otherwise specified by law. (Authorized by K.S.A. ~~1980~~ 2012 Supp. 22-4704, as amended by 2013 HB 2041, sec. 3; implementing K.S.A. ~~1980~~ 2012 Supp. 22-4705; effective, E-81-31, Oct. 8, 1980; effective May 1, 1981; amended P-_____.)

KANSAS BUREAU OF INVESTIGATION ECONOMIC IMPACT STATEMENT K.A.R. 10-10-2

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 10-10-2 is an existing regulation that requires criminal justice agencies to submit criminal history record information (CHRI) to the Kansas Bureau of Investigation (KBI) central repository within 60 days. The proposed amendment to this regulation would shorten that time period to 14 days. The purpose of this change is to ensure the KBI receives CHRI more quickly, thus resulting in more up-to-date records in the central repository. This change will also establish consistency with the requirements of other similar regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

This regulation is not mandated by federal law, and therefore, does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Bureau of Investigation.

There is no anticipated economic impact on the KBI.

IV. Anticipated Financial Impact upon Other Governmental Agencies and Upon Private Business or Individuals.

K.A.R. 10-10-2 currently requires that criminal justice agencies submit CHRI to the KBI within 60 days of the reportable event. During the 30 plus years since this regulation was implemented, there have been substantial improvements in technology making submission of information quicker and more efficient. The proposed change would shorten the reporting time frame to 14 days, which is consistent with other reporting requirements. For example, K.A.R. 10-19-3 requires juvenile justice agencies to report information to the central repository within 14 days of the reportable event, and K.A.R. 10-19-9 requires fingerprints to be reported to the central repository within 14 days of the date such prints were taken. In addition, it should be noted that the time frame for submitting offense reports is significantly shorter. K.S.A. 21-2501a requires law enforcement agencies to submit such reports to the KBI within 72 hours.

One potential economic impact could be in the form of postage. If an agency saves all CHRI and does one large mailing every 60 days, the postage will differ, as there will be more frequent mailings. However, those mailings will be smaller, so it is impossible to estimate if the cost would be more or less, or if it would even out.

Other than potential changes in postage, the KBI does not anticipate any additional costs associated with the proposed change. The amendment to K.A.R. 10-10-2 would not impose additional responsibilities on criminal justice agencies. The agencies will continue to submit the same information to the KBI central repository as they were submitting prior to the amendment.

10-10-5. Electronic reporting by district courts. Each district court shall electronically report all case filings and dispositions for all violations of K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, to the central repository. The case filings and dispositions shall be electronically submitted by a method approved by the director. (Authorized by and implementing K.S.A. 2012 Supp. 22-4704, as amended by 2013 HB 2041, sec. 3; effective P-_____.)

**KANSAS BUREAU OF INVESTIGATION
ECONOMIC IMPACT STATEMENT
K.A.R. 10-10-5**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 10-10-5 is a new regulation that requires district courts to electronically submit filings and dispositions for violations of K.S.A. 8-1567 or 8-1025, and amendments thereto, to the central repository. K.S.A. 22-4704(f), as amended by House Bill 2041, requires the KBI director to adopt regulations requiring electronic submissions by district courts. Therefore, the purpose of the regulation is to implement K.S.A. 22-4704(f).

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law.

The proposed regulation is not mandated by federal law, and therefore, does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Bureau of Investigation.

Any economic impact on the KBI was taken into account with the legislature's amendment to K.S.A. 22-4704 in 2011. The regulation itself will not cause additional economic impact.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The KBI does not anticipate economic impact on other governmental agencies or private businesses resulting from this regulation. Although there were, and continue to be, costs to district courts in submitting certain filings and dispositions electronically, such costs were taken into account with the legislature's 2011 amendment to K.S.A. 22-4704. District courts have been submitting information electronically for approximately one year, and K.A.R. 10-10-5 would not impose any additional requirements on the courts beyond what statute requires.